

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

**FILED**

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

APR - 3 2009

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARLOS ALBERTO JOVEL,

Defendant.

MATTHEW J. DYKMAN  
CLERK

No. Cr 09-491 JP

**COURT'S FINDINGS REGARDING DEFENDANT'S MOTION  
FOR CONSIDERATION OF DETENTION ORDER**

THIS MATTER, having come before the court on the Defendant's motion for reconsideration of detention order, and having reviewed the motion and response of counsel and having held a hearing on March 20, 2009, these are the Court's findings:

1. The charged offense carries a statutory minimum sentence of ten years, with a statutory maximum sentence of life imprisonment.
2. The defendant did not overcome the rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any person and the community should he be released on conditions.
3. Maria Luisa Jovel, defendant's wife, is an unsuitable third party custodian for defendant. In addition to being his wife, Maria Luis Jovel is also a registered owner of the tractor involved in the case.
4. Facts contained within the criminal complaint indicate that the weight of the evidence is strong against the defendant.
5. Defendant poses a flight risk because he has an incentive to avoid the mandatory minimum ten (10) year sentence if convicted and further has an

additional incentive to flee to avoid the owner of the approximately 60 kilograms of seized cocaine.

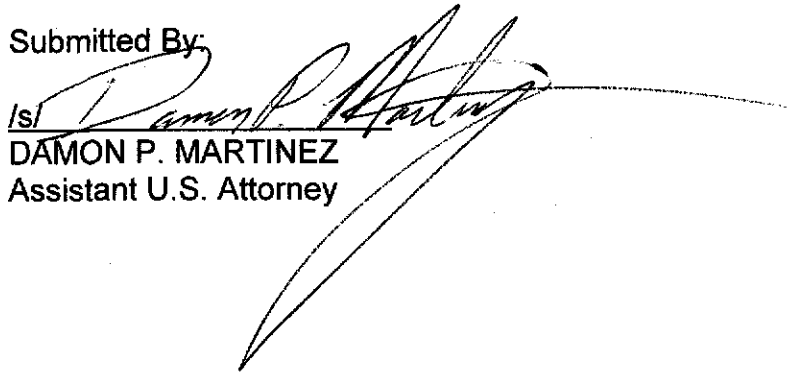
6. The amount of cocaine, approximately 60 kilograms, involved in the case would had a devastating effect on the community had it reached its final destination. The owner of the illegal drug would have wanted to minimize risk and uncertainty in the transport of the seized cocaine. Further, the owner of the seized cocaine would not have knowingly entrusted such a valuable commodity to an unknowing person. For these reasons, the defendant is a danger to the community.

The above stated findings are meant to accompany the Court's Order [Document 23] filed March 20, 2009.

Robert H. Scott 3-31-09  
ROBERT HAYES SCOTT  
UNITED STATES MAGISTRATE JUDGE

Submitted By:

/s/

  
DAMON P. MARTINEZ  
Assistant U.S. Attorney